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09/870,010

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11/20/2006

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EXAMINER

POON, KING Y

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,010

Applicant(s)

YAMAGUCHI ET AL.

Examiner

King Y. Poon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Kusumoto (US 6,351,315).

Regarding claims 1, 3: Kusumoto teaches a system (fig. 3) of managing image data (column 7, lines 35-40) in a network (Ethernet, column 7, lines 15-21), comprising: an image input device (external device interface/connector 90, column 4, lines 55-62); an image forming device (the copier, fig. 1) including storage means (memory unit 30, column 4, lines 50-60) for storing image data which is outputted by an external computer (external device, computer, column 7, lines 9-15) inputted by the image input device, at least one of the image input device and the image forming device being connected to the network (column 7, lines 15-25); and a client computer (computer 5, column 7, lines 15-23), connected to the network, receives (column 11, lines 14-20, column 7, lines 35-40) the image data transmitted by the image forming device, for managing the image data stored in the storage means via the network.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusumoto (US 6,351,315) in view of Gase (US 6,184,996).

Regarding claims 2, 4: Kusumoto teaches a system (fig. 3) of managing image data (column 7, lines 35-40) in a network (Ethernet, column 7, lines 15-21), comprising: an image input device (line sensor 17, column 4, lines 50-55); an image forming device (the rest of the copier, fig. 1) including storage means (memory unit 30, column 4, lines 50-60) for storing image data inputted by the image input device, at least one of the image input device and the image forming device being connected to the network (column 7, lines 15-25); and a client computer (computer 5, column 7, lines 15-23), connected to the network, receives (column 11, lines 14-20, column 7, lines 35-40) the image data transmitted by the image forming device, for managing the image data stored in the storage means via the network; wherein the image forming device further includes a converter (encoder 305, column 9, lines 40-50) and a network interface (310, fig. 7, and the software of the CPU that controls 310, column 10, lines 20-25); the storage means comprises a binary data storage section (304, fig. 7) for storing the image data as binary data and a higher level data (column 11, lines 1-5, column 11, lines 14-18) storage section (306, fig. 7) for storing higher level data converted from the

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binary data by the converter (column 9, lines 15-20, column 9, lines 40-50); and the network interface includes a software for managing the text data, and transmit the text data stored in the text data storage section to the client computer (column 7, lines 35-34.

Note: the binary data and the text data is being interpreted as text data in binary form and higher level form respectively.

Although it is well known in the art and knowledge generally available to a person with ordinary skill in the art that a scanned document includes text image data, Kusumoto does not specifically mention that.

Gase teaches it is well known in the art for a scanned document containing text images (column 4, lines 60-65).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have used Kusumoto's copier to scan a text document to create a text image such that Kusumoto would be used by companies, students, teachers, government because human communicates with text.

Response to Arguments

5. Applicant's arguments filed 9/11/2006 have been fully considered but they are not persuasive.

With respect to applicant's argument that Kusumoto does not teach image forming device including storage means for storing image data which outputted by an external computer.

In reply: Column 4, lines 50-60, column 7, lines 9-15, Kusumoto clearly teaches an image forming device (copier, fig. 1) including storage means (memory unit 30, column 4, lines 50-60) for storing image data which is outputted by an external computer (external device, computer, column 7, lines 9-15).

With respect to applicant's argument that Kuumoto and Gase does not teach a binary data storage section for storing image data as binary data and a text data storage section for storing text data converted from the binary data by the converter, because the text scanned by a scanner is not text data discriminate by OCR process; has been considered.

In reply: MPEP 2111.01 II states IT IS IMPROPER TO IMPORT CLAIM LIMITATIONS FROM THE SPECIFICATION "Though understanding the claim language may be aided by explanations contained in the written description, it is important not to import claimed limitations that are not part of the claim.

The OCR process and text data format distinguishes each text characters and store them individually is limitation not being considered as part of the claimed limitations. The ASCII format data, Microsoft Word file, etc is not being disclosed in the specification.

The "text data" in the claim is being given their "plain meaning." Since text data is simple English words whose meaning is clear and unquestionable, absent any

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indication that their use in a particular context changes their meaning, are construed to mean exactly what they said.

The examiner is going to give some clear and unquestionable examples of the simple English words "text data." The data of this office action or the data of the reply filed by applicant on 9/11/2006 are examples of text data and a picture of a dog or cat are examples of not text data. Therefore, the data of the text file of Gase of column 4, lines 50-55 is text data, and the compressed text data of Kusumoto (assuming the images scanned by the scanner of Kusumoto are text document), that is converted from binary text data, is also text data, according to the guideline of MPEP 2111.01.

Furthermore, if the plain meaning of text file/data is a data format that distinguishes each text characters and store them individually, then the text file of Gase should also be interpreted the same way which is the same as the text data of applicant's invention. Therefore, Gase's text file that is converted from a scanned image inherently teaches a binary data storage section for storing image data as binary data and a text data storage section for storing text data converted from the binary data by the converter as point out by applicant's argument filed on 9/11/2006, the bottom of page 7 and the top of page 8.

Applicant also point out it is well-known in the art that data stored in text data format require significantly less storage space than the image data files, and the reason for data compression of the binary data in Kusumoto is similar to the reason why Gase teaches create text data file for transmission. Therefore, it would have been obvious to modified Kusumoto by the teaching of Gase.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is 571-272-7440. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 14, 2006


KING Y. POON
PRIMARY EXAMINER